

Security Case Bugging Is Tested for Legality

The Justice Department yesterday launched a test designed to settle its claim that electronic eavesdropping is legal and immune from court scrutiny when used solely to gather "foreign intelligence" to protect national security. The brief disclosed that one of the officers, Washington attorney Francis N. Rosenbaum, was overheard on "foreign intelligence" wiretaps. Attorney General John N. Mitchell attached an affidavit disclosing that the taps had been authorized between 1956 and 1961 when Herbert Brownell Jr. and William P. Rogers held the Attorney General post.

Wiretapping and bugging for such purposes without a court warrant is within the President's "inherent power" as military commander-in-chief and "the Nation's organ in the field of foreign affairs," said outgoing United States Attorney David G. Press in a brief filed in U.S. District Court here. Mitchell said he was telling the Court where the taps were installed but that Rosenbaum had no right to know if the Government's theory of executive immunity is correct.

The indictment returned last August charged that the defendants conspired to defraud the Government of more than \$4 million in a scheme that included channeling money to Swiss banks. In recent weeks the Justice Department has been looking for a case that would raise the issue in such a way that the Supreme Court could ultimately decide it—in favor, the Department hopes, of unfettered electronic intelligence gathering.

Yesterday's legal brief was filed in response to defense counsel demands for wiretapping disclosures in a major criminal case involving fraud charges against Alcoa, Inc., a top supplier of Navy rocket launchers, and two of its former officers.

Sirhan Prosecution Costs Total \$929,286

LOS ANGELES, May 5 (AP)—Prosecution and trial of Sirhan Bishara Sirhan for the murder of Sen. Robert F. Kennedy cost \$929,286, a county supervisor said today.

Kenneth Hahn broke it down this way: Los Angeles County \$370,373; plus \$110,000 for the sheriff's department; Los Angeles police \$208,478; police in Pasadena, where Sirhan lived, \$39,973.

Sirhan was sentenced to death after a trial that ended last month.